

ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

SEP 11 1998

IN THE MATTER OF:

DOCKET NUMBER: 96-02215

COUNSEL: None

HEARING DESIRED: No

RESUME OF CASE:

Applicant had been administratively discharged under the provisions of AFI 36-3208 with an entry level separation characterization on 4 June 1996. He received a reenlistment eligibility (RE) code of "2C" and a separation program designator (SPD) code of "JFX," which gave him a narrative reason of "Personality Disorder." He served four months and 25 days of active duty.

In a application dated 30 July 1996, he requested the narrative reason for his discharge be changed from "personality disorder" to a medical discharge.

The Board considered his appeal on 19 August 1997. The Board concluded that, because the applicant was undergoing disability processing for his unfitting medical condition at the same time he was being processed for an administrative discharge for a personality disorder that was not a physical disability, he should have been processed as a "dual action" case in accordance with AFI 36-3212. Instead, applicant was inappropriately administratively separated under the provisions of AFI 36-3208 before disability processing could be completed. Based on this and the Air Force's recommendations, the Board determined that the applicant should be evaluated by a Medical Evaluation Board (MEB), a Physical Evaluation Board (PEB), and a Formal Physical Evaluation Board (FPEB) to determine his physical condition. The results were to be forwarded to the Secretary of the Air Force Personnel Council (SAFPC) to determine whether applicant should be administratively discharged or discharged for his medical condition.

A complete copy of the Record of Proceedings is at Exhibit F.

The Board's recommendations were implemented and, based on the findings of the medical boards, on 5 March 1998, SAFPC determined that the applicant should be discharged for his medical condition.

Copies of the SAFPC determination as well as the medical boards evaluations are at Exhibit G.

The case was forwarded to the Chief, Physical Disability Division, HQ AFPC/DPPD, for review. In his evaluation, the Chief concurred with the SAFPC's determination that the applicant should be discharged under the provisions of AFI 36-3212 for his medical condition, which existed prior to service (EPTS) without service aggravation, and that the present narrative reason for his discharge should be changed accordingly.

A copy of the complete Air Force evaluation is at Exhibit H.

A copy of the complete Air Force evaluation was forwarded to the applicant on 2 June 1998 for review and comment within 30 days. As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After carefully considering the evidence before us, particularly the findings of the medical boards, we concur with the determination of SAFPC and HQ AFPC/DPPD that the applicant should not have been administratively discharged but instead discharged for his EPTS medical condition. We therefore recommend that his records be corrected as indicated below.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that:

a. On 3 June 1996 he was found unfit to perform the duties of his office, rank, grade or rating by reason of mild intermittent asthma, disability rating 0%, VA Code 6602, that the findings were "not in the line of duty," and that his medical condition existed prior to service (EPTS) without service aggravation.

b. On 4 June 1996, he was discharged under other than Chapter 61, Title 10, U.S.C, with an entry level separation under the provisions of AFI 36-3212, and that he was issued a separation program designator code of "JFM" with a narrative reason for separation of "Disability, Existed Prior to Service (EPTS), PEB."

The following members of the Board considered this application in Executive Session on 26 August 1998 under the provisions of AFI 36-2603 :

Mr. David C. Van Gasbeck, Panel Chair
Mr. Michael P. Higgins, Member
Mr. Richard A. Peterson, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit F. Record of Proceedings, dated 12 Sep 97, w/atchs.
- Exhibit G. SAFPC Letter, dated 5 Mar 98, w/atchs.
- Exhibit H. HQ AFPC/DPPD Letter, dated 25 Mar 98.
- Exhibit I. AFBCMR Letter, dated 2 Jun 98.



Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

SEP 11 1998

Office of the Assistant Secretary
AFBCMR96-02215

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the *Air* Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED] be corrected to show that:

a. On 3 June 1996 he was found unfit to perform the duties of his office, rank, grade or rating by reason of mild intermittent asthma, disability rating 0%, VA Code 6602, that the findings were "not in the line of duty," and that his medical condition existed prior to service (EPTS) without service aggravation;

b. On 4 June 1996, he was discharged under other than Chapter 61, Title 10, U.S.C, with an entry level separation under the provisions of AFI 36-3212, and that he was issued a separation program designator code of "JFM" with a narrative reason for separation of "Disability, Existed Prior to Service (EPTS), PEB."


JOE G. LINEBERGER

Director
Air Force Review Boards Agency

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

SEP 12 1997

IN THE MATTER OF:

DOCKET NUMBER: 96-02215

COUNSEL: NONE

HEARING DESIRED: NO

APPLICANT REQUESTS THAT:

The narrative reason for **his** discharge be changed from "personality disorder" to a medical discharge.

APPLICANT CONTENDS THAT:

The reasons the applicant believes the records to be in error or unjust and the evidence submitted in support of the appeal are at Exhibit A.

STATEMENT OF FACTS:

The relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate offices of the Air Force (Exhibits C and D). Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The Medical Consultant reviewed the application and states that consideration should be granted for due process. Applicant's discharge should have been processed as a Dual Action case through the medical disability channels pursuant to AFI 36-3212. The case should be referred to the Secretary of the Air Force Personnel Council (SAFPC) for further consideration.

A complete copy of the evaluation is attached at Exhibit C.

The Chief, Physical Disability Division, AFPC/DPPD, reviewed the application and states that applicant was in the midst of being processed under the disability evaluation system when he was inappropriately separated under the administrative discharge provisions of AFI 36-3208. AFI 36-3212, paragraph 1.4.4 states that disability cases on members with an unfit finding who are

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also pending an administrative separation are to be processed as "dual action" cases. This means that both the administrative and disability cases would be processed separately and concurrently. Neither one, however, would be processed to completion, but once each case file was completed through to a recommended disposition, both case files would be married up at AFPC/DPPD and sent to SAFPC where the SAFPC would weigh which type of separation would be more appropriate based on the merits of each individual case. In applicant's case, while his disability case was being processed, Kessler AFB Discharge Authority separated applicant under the administrative discharge provisions of AFI 36-3208. Disability processing had just completed the Informal Physical Evaluation Board (IPEB) process. The IPEB recommended applicant be found unfit for continued military service, but that the condition had existed prior to entrance onto active duty and was not aggravated by military service. The IPEB further recommended applicant be discharged under other than disability law provisions. In accordance with AFI 36-3212, paragraph 5.4, final disposition on the "dual action" case could only be made by the SAFPC. Therefore a change in the record is merited in this case. They recommend that the AFBCMR direct AFPC/DPPD to schedule applicant to receive a current medical evaluation at Wilford Hall Medical Center, [REDACTED] using temporary disability retired list (TDRL) temporary duty (TDY) funds. The further recommend that the applicant be granted the opportunity to meet a Formal PEB (FPEB) and allow the disability process to continue to the appropriate point of completion as previously discussed. The final disposition will rest with the SAFPC.

A complete copy of the evaluation is attached at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Complete copies of the Air Force evaluations were forwarded to applicant for review and response within 30 days. As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice to warrant continued processing through the Air Force disability system. After reviewing the evidence of record, we note that, in accordance with AFI 36-3212, paragraph 1.4.4, applicant's case should have been processed as a "dual action" case because he was

undergoing disability processing for his unfitting medical condition at the same time he was being processed for an administrative discharge for a personality disorder, which was not a physical disability. Clearly, once both cases had been completed to the point of a recommended disposition, they should have been forwarded to the Secretary of the Air Force Personnel Council (SAFPC) to determine which type of separation **was** most appropriate. It is apparent that applicant was inappropriately administratively separated under provisions of AFI 36-3208 before disability processing could be completed. In view of the foregoing, we believe that the most equitable action for the applicant and the Air Force at this time is to afford him the opportunity to continue the disability evaluation process. Therefore, we recommend the applicant's records be corrected to the extent indicated below. Applicant's request to change the narrative reason for discharge to a medical disability was considered; however, we believe the recommended corrective action is the best approach to resolving the true status of his medical condition and also permits a reevaluation of his misconduct. Once this review has been completed, the Board will be in a better position to render a final decision on his application.

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT, be corrected to show that:

- a. He was issued invitational travel orders by competent authority to Wilford Hall Medical Center for evaluation and presentation of his case to a Medical Evaluation Board (MEB), Physical Evaluation Board (PEB) and Formal Physical Evaluation Board (FPEB), to determine his medical condition.
- b. The results of the medical evaluation and his administrative discharge case file be forwarded to the Secretary of the Air Force Personnel Council (SAFPC) to determine whether he would have been recommended for an administrative discharge or discharge for his medical condition.
- c. The recommendation of the SAFPC be forwarded to the Air Force Board for Correction of Military Records at the earliest practicable date so that all necessary and appropriate actions may be completed.

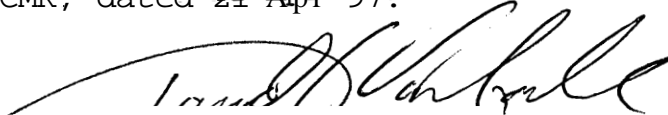
The following members of the Board considered this application in Executive Session on 19 August 1997, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chairman
Mr. William E. Edwards, Member

Mr. Richard A. Peterson, Member
Ms. Donna Pittenger, Examiner (without vote)

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 30 Jul 96, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, Medical Consultant, dated 25 Jan 97.
- Exhibit D. Letter, AFPC/DPPD, dated 9 Apr 97, w/atchs
- Exhibit E. Letter, AFBCMR, dated 21 Apr 97:



DAVID C. VAN GASBECK
Panel Chairman